

McDermott Will & Emery

RECEIVED
CENTRAL FAX CENTER
MAR 02 2009

Boston Brussels Chicago Düsseldorf London Los Angeles Miami Milan
Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C.

FACSIMILE**Date:** March 2, 2009**Time Sent:**

To:	Company:	Facsimile No:	Telephone No:
Examiner Tohru SAITOH et al. Group Art Unit: 2818	U.S. Patent & Trademark Office	571 273 8300	
From:	Michael E. Fogarty	<i>Direct Phone:</i>	(202) 756-8372
<i>E-Mail:</i>	mfogarty@MWE.com		
<i>Sent By:</i>	Rosanna Pase	<i>Direct Phone:</i>	(202) 756-8392
<i>Client/Matter/Tkpr:</i>	74782-022-3328	<i>Original to Follow by Mail:</i>	Yes
		<i>Number of Pages, Including Cover:</i>	3

Message:**RE:** U.S. Patent Application No. 10/588,605

In response to the Office Action dated January 30, 2009, Applicants submit the enclosed Election Under 35 U.S.C. § 121.

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the below address by mail. Thank you.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL ROSANNA PASE AT 202 756 8392 AS SOON AS POSSIBLE.

Main Facsimile: 202.756.8087 Facsimile Operator: 202.756.8090

U.S. practice conducted through McDermott Will & Emery LLP.
600 Thirteenth Street, N.W. Washington, D.C. 20005-3096

Telephone: 202.756.8000

RECEIVED
CENTRAL FAX CENTER
MAR 02 2009

Attorney Docket No.: 74782-022
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer No. 53080
Tohru SAITOH, et al.	:	Confirmation No.: 8353
Application No.: 10/588,605	:	Group Art Unit: 2818
Filed: August 7, 2006	:	Examiner: ANDY HUYNH
For: SEMICONDUCTOR NANOWIRE AND SEMICONDUCTOR DEVICE INCLUDING THE NANOWIRE	:	

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed January 30, 2009, having a shortened statutory period for response set to expire February 28, 2009, wherein the Examiner required restriction between the following Groups:

Group I	-	Claims 1-10 and 19-23, drawn to a device; and
Group II	-	Claims 14-18, 24 and 25, drawn to a method.

Applicants elect Group I, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional Application for the non-elected claims which the Examiner has indicated are patentably distinct.

Application No.: 10/588,605

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time.


The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 3/2/09

By:



Michael E. Fogarty
Registration No.: 36,139

600 13th Street, N.W., Suite 1200
Washington, D.C. 20005-3096
Telephone: 202 756 8000
Facsimile: 202 756 8087

WDC99 1691640-1.074782.0022